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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSHUA BEGLEY,

Defendant and Appellant.

A144367

(Sonoma County  
Super. Ct. No. SCR578339)

Defendant Joshua Begley appeals from a postjudgment order awarding restitution to the wife of his victim and the Victim Compensation Board (Board). His counsel asked this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) We have identified an error in the trial court's calculation of the wife's award that requires modification of the order.<sup>1</sup>

In February 2010, Begley entered a guitar shop in Rohnert Park, stabbed the owner, Taku Sakashita, to death, and stole Sakashita's property. A jury convicted Begley of one count of first degree murder with the special circumstances that the murder was committed in the commission of robbery and burglary and other associated counts and enhancements.<sup>2</sup> He was sentenced to a term of life without the possibility of parole for

<sup>1</sup> We gave the parties the option to submit briefing on this issue if they disagreed with our assessment of the error or required remedy. Neither party did so.

<sup>2</sup> In a prior nonpublished case, this division affirmed Begley's convictions. (*People v. Begley* (Feb. 28, 2013) A130178.)

the murder and six years for the other offenses. The trial court ordered him to pay restitution, including \$5,236.51 to the Board, and \$26,279.06 to Sakashita's wife.

A restitution hearing was held, and in February 2012, the trial court modified the restitution amounts to \$5,707.10 for the Board and \$24,241.21 for Sakashita's wife. Acting in propria persona, Begley filed a motion to modify the restitution amounts almost two years later on the basis that the court never determined his ability to pay. The court denied the motion.

Meanwhile, the People requested an additional \$69,521.41 in restitution to the Board, comprised of \$2,722 for mental-health services and \$66,807.41 in Sakashita's lost income as spousal support. Now represented by counsel, Begley contested the \$66,807.41 figure on the grounds that (1) Sakashita's wife was not a "derivative victim" under Government Code 13957.5 and (2) the Board had already reimbursed her for \$493.84 of the amount requested.

In September 2014, the trial court awarded the full amount of the requested additional restitution to the Board, for a total award to it of \$75,236.51. Three months later, after a hearing, the court affirmed that amount. Accepting Begley's argument, the court also reduced the restitution payable directly to Sakashita's wife by \$493.84. In calculating the Board's updated award, the court had added the additional \$69,521.41 to the \$5,707.10 award to the Board under the February 2012 restitution order. But in updating Sakashita's wife's award, the court subtracted the \$493.84 from the \$26,279.06 she was due under the October 2010 order, for a total of \$25,785.22, not from the \$24,241.21 she was due under the February 2012 order. As we can perceive no reason that the court should have based its calculation of her award on the outdated order, we conclude that the order at issue here must be modified to reflect an amount of \$23,747.37 (\$24,241.21 minus \$493.84) in total restitution to Sakashita's wife. (See Pen. Code, § 1260.)

The December 17, 2014 order is modified to reflect an amount of \$23,747.37 in total restitution to Sakashita's wife. As so modified, the order is affirmed. The trial court

is directed to amend the abstract of judgment to reflect this change and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation.

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Humes, P. J.

We concur:

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Dondero, J.

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Banke, J.

*People v. Begley* (A144367)